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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 8024-012-US U.S. APPLICATION NO. (If known, see 37 CFR 1.15)
INTERNATIONAL APPLICATION NO. PCT/US2004/036551	INTERNATIONAL FILING DATE 11/01/04	PRIORITY DATE CLAIMED 11/04/03
TITLE OF INVENTION Synthesis of Glycopeptides with Superior Pharmacokinetic Properties		
APPLICANT(S) FOR DO/EO/US Optimer Pharmaceuticals, Inc.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/578603		PCT/USA2004/036551		8024-012-US	
20. Other items or information:					
<p>The following fees have been submitted</p> <p>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300</p> <p>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))</p> <p>If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200</p> <p>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500</p>				CALCULATIONS PTO USE ONLY \$ 300 \$ 200 \$ 100 	
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$ 0	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$ 0	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$ 500	
Independent claims	- 3 =		x \$200	\$ 0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$ 0	
TOTAL OF ABOVE CALCULATIONS =				\$ 1230	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ 615	
SUBTOTAL =				\$ 615	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ 0	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40	
TOTAL FEES ENCLOSED =				\$ 150	
				Amount to be refunded:	\$
				Amount to be charged	\$

10/5/8603

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1APZ04Rec'd PCT PTO 04 MAY 2006

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 5020 35. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



SIGNATURE

Michael B. Farber, Esq.
NAME

32 612

REGISTRATION NUMBER

PATENT
8024-012-US

MAP20 Rec'd PCMR TO 04 MAY 2006

Certificate of Express Mailing

Under 37 CFR 1.10, I certify that the attached correspondence is being deposited with the United States Postal Service as Express Mail No. EV 669528703 US in an envelope addressed to: **Mail Stop: PCT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: May 4, 2006

Christina Dueñas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: TBA
)
Jonathan Duffield, et al.) Group Art Unit: TBA
)
Serial No.: U.S. National Stage of)
PCT/US2004/036551) Docket No.: 8024-012-US
)
Filed: Herewith) Date Mailed: May 4, 2006
)
For: Synthesis of Glycopeptides with)
Superior Pharmacokinetic Properties)

TRANSMITTAL LETTER

Mail Stop: PCT
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is to effect entry of PCT Application PCT/US2004/036551 into the United States National Stage under 35 U.S.C. § 371 and 37 C.F.R. § 1.495.

Accordingly, the following documents are transmitted:

1. Transmittal Letter for Submission under 35 USC 371 with Fee Sheet indicating a fee payment of \$150.00, reflecting the basic national stage fee of \$150.00 for a small entity under 37 C.F.R. § 1.492(a) (3 pages);
2. An Application Data Sheet under 37 C.F.R. § 1.76 giving biographical information on the inventors of the above-identified application as well as details of the claim for priority based on a previously-filed provisional application (2 pages); and
3. A copy of the above-identified PCT application as published under the PCT. Because the above-identified PCT application was filed in the United States Patent and Trademark Office, the copy is not required under 37 C.F.R. § 1.495(b)(i). The copy is provided for convenience. (27 pages).
4. A copy of the Response to Invitation to Furnish Nucleotide Sequence Listing. (2 pages).
5. A copy of the Preliminary Amendment under 37 C.F.R. §§ 1.121 and 1.825. (4 pages).
6. A copy of the Declaration of Inventorship under 37 C.F.R. § 1.41(a)(4) originally filed with PCT Application No. PCT/US2004/036551. (2 pages).
7. A copy of the Assignment with Recordation Cover Sheet as required under 37 C.F.R. §§ 3.28 and 3.31. This assignment was originally filed with PCT Application No. PCT/US2004/036551. (7 pages).

10/578603

PATENT

8024-012-US

AP20 Rec'd PCT/US 04 MAY 2006

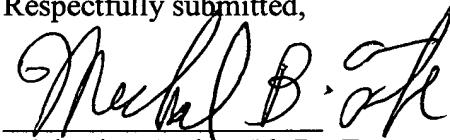
8. A copy of the Power of Attorney and Statement under 37 C.F.R. § 3.73(b). (2 pages).

Priority under 35 U.S.C. §§ 119 and 365 is hereby claimed for the national stage application. This priority is claimed to: (1) PCT Application No. PCT/US2004/036551, filed on November 1, 2004, and designating the United States; (2) United States Provisional Patent Application Serial No. 60/516,838 filed on November 4, 2003; (3) United States Provisional Patent Application Serial No. 60/557,631, filed on March 30, 2004; and (4) United States Provisional Patent Application Serial No. 60/598,215 filed on August 2, 2004, from which PCT Application No. PCT/US2004/036551 claimed priority.

Date: Michael B. Farber

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Respectfully submitted,



Michael B. Farber, Ph.D., Esq.
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